

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RAMONA UNIFIED SCHOOL DISTRICT
AND JULIAN HIGH SCHOOL DISTRICT.

OAH Case No. 2015110771

ORDER DENYING REQUEST FOR
CONTINUANCE; VACATING
JANUARY 25, 2016 HEARING DATE

On January 22, 2016, the parties filed a joint request to continue the dates in this matter with the Office of Administrative Hearings, based upon the parties being close to reaching a settlement agreement.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Parties did not establish good cause for a continuance based on the possibility that they may settle this matter. Parties did not state whether a settlement agreement has been reduced to writing or if the delay is caused in getting required signatures. However, to permit the parties additional time to effectuate the

settlement agreement, the hearing date of January 25, 2016, is vacated. If the matter has not settled, the hearing shall commence at 9:30 a.m., on January 26, 2016.¹

IT IS SO ORDERED.

DATE: January 22, 2016

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings

¹ The parties are notified that the hearing location will change unless OAH receives the school district's Americans with Disabilities Act compliance certification by 5:00 p.m., on January 22, 2016.